

DOWNEY BRAND

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June 8, 2015

VIA FEDEX AND E-MAIL (VGOMEZ-LATINO@WATERBOARDS.CA.GOV)

Vivian Gomez-Latino
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Public Records Act Request

Dear Ms. Gomez-Latino:

Pursuant to the Public Records Act, California Government Code §§6250 *et seq.* (the "Act"), Downey Brand LLP ("Downey Brand") hereby makes the following request for documents related to the State Water Resources Control Board's (SWRCB) May 12, 2015 memorandum regarding chronic toxicity testing, including but not limited to documents related to the withdrawal of approval of the SWRCB alternative test procedure for the Two-Concentration Test ("TST") design for National Pollutant Discharge Elimination System ("NPDES") effluent testing when using the test of significant toxicity, U.S. Environmental Protection Agency's (USEPA) withdrawal of the SWRCB's Alternative Test Procedure ("ATP"), and the status of the SWRCB's Toxicity Policy.

Within ten (10) days, please determine whether or not you will comply with this request by making all documents in the possession or control of the State Water Resources Control Board ("State Board") available to us in compliance with Gov't Code §6253. Also, please let us know if you will provide us with copies or whether we should contact a local copy service in order to make copies of the requested files and documents.

As you know, the California Legislature and California courts favor disclosure of public records. *See* Gov't Code §6250 ("Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."); *see also Cook v. Craig*, 55 Cal.3d 773 (1976).

If you choose to deny any part of this request, please cite the specific statutory exceptions upon which the denial is based pursuant to Gov't Code §6255. If any document is proposed to be withheld, please provide us with the following specific information:

1. Date of the document;
2. General nature of the document;
3. Identity and title of the author;
4. Identity and title of the recipient(s), including those who may have received "blind" copies; and
5. Specific reason(s) why it is being withheld.

Definitions

As used in this request, "document" shall mean "writing," as that term is defined by Gov't Code §6252(e). Thus, "document" means:

handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this request, "pertaining to" shall mean describing, evidencing, proving, tending to prove, mentioning, containing, concerning, opining about, commenting upon, analyzing, or otherwise discussing directly or indirectly.

Documents Requested

Please provide copies of all records in your possession or control that are responsive to the following categories of information requested:

1. Any and all correspondence pertaining to the SWRCB's memorandum regarding the "Withdrawal of Approval of the SWRCB Alternative Test Procedure for the Two-Concentration Test Design for NPDES Effluent Testing when using the Test of Significant Toxicity," dated May 12, 2015.
2. Any and all correspondence pertaining to the notice of withdrawal of approval of the ATP dated February 11, 2015.
3. Any and all correspondence pertaining to the United States District Court Eastern District of California's ruling in Southern California Alliance of POTWs, et al., v. United States Environmental Protection Agency, et al., Case No. 2:14-CV-01513-MCE-DAD, dated May 15, 2015.

4. Any and all correspondence regarding the Test of Significant Toxicity and Chronic Toxicity.
5. Any and all correspondence regarding the current status of the SWRCB's Toxicity Policy and the contents of the same.

Please contact me if you have any questions or concerns about this request.

Very truly yours,

DOWNEY BRAND LLP



Ashley Boulton

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